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CONCORDE ON THE CREEK
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DALLAS, TEXAS 75230

April 30, 2010

Ms. Hailey Moore Weems   *VIA EMAIL: HWEEMS@PEAVLERGROUP.COM*
The Peavler Group
3400 Carlisle Street, Ste. 430
Dallas, Texas 75204-1221

> **RE:**   *Manuela Reyes v. Kroger Texas, LP,* **Cause No. 09-09989, In the District Court, 160th Judicial District, Dallas County, Texas**

Dear Ms. Weems:

As you are aware, I represent **Manuela Reyes** in connection with all claims she has arising as a result of the motor vehicle collision with your insured referenced above.

Enclosed with this letter is a full copy of all medical records, medical bills and other documentation related to this claim.

LIABILITY OF YOUR INSURED, KROGER TEXAS, LP

The incident in question occurred on or about July 10, 2008 at the Kroger grocery store located at 313 West Pioneer Parkway, Grand Prairie in Dallas County, Texas. Plaintiff Manuela Reyes was an invitee at the store. As Ms. Reyes entered the store, suddenly and without warning, she slid in a puddle of dirty liquid, which she believed to be chicken grease. As a result of her fall, Plaintiff sustained serious injury.

Defendant Kroger Texas LP was negligent which negligence proximately caused her damages and injuries in the following particulars:
- a)   In failing to maintain the premises in reasonably safe condition;
- b)   In failing to warn Plaintiff of the dangerous condition of the premises;
- c)   In failing to inspect the premises in order to discover the dangerous condition of the premises; and
- d)   In failing to use ordinary care to reduce or eliminate an unreasonable risk of harm created by a premises condition which Defendant knew about, or in the exercise of ordinary care, should have known about.

INJURIES AND DAMAGES OF MANUELA REYES

Manuela Reyes was injured as a result of this accident. Immediately after the accident, Ms. Reyes sought treatment at CareNow in Grand Prairie. She was diagnosed with cervical neck sprain, thoracic sprain, sprain to the hip, thigh, and liofemoral. She was treated by Richard Fleischer, M.D. who conducted x-rays on her cervical and thoracic spine.

Later, she sought treatment at Baylor Medical Center in Irving. Her chief complaints were joint pain in her left leg and left knee. After an x-ray of knee, there was an impression of *"mild lateral joint space narrowing."* Ms. Reyes was later discharged.

On or about August 28, 2008, Ms. Reyes underwent an MRI of the cervical spine which was positive for the following:

"0.5 mm bulge of annulus present at C5-C6 not impinging upon the neural structures"

"0.5-1 mm bulge of annulus present at C4-C5 almost contacting the ventral cord and is associated with mild central spinal stenosis at this level."

As the pain in her neck, back, leg and knee persisted, Ms. Reyes sought further treatment with Dr. Ronald Woodard, D.C. at Kare Clinic Chiropractic & Rehab on or around July 30, 2008. She continued treatment through November 2008. Ms. Reyes was referred to James Laughlin, D.O, F.A.C.O.S., M.T.S. for a series of injections to her neck.

Mr. Laughlin diagnosed her with *cervical spine with trigger points* and *suboccipital neuritis.*

Ms. Reyes' medical damages to date total at least *$17,177.14.*

Due to the consistent pain in her neck and leg after the accident, Ms. Reyes missed a substantial time from her job at Neiman Marcus Direct in Irving. The lost wages incurred to date by Ms. Reyes total at least *$4,703.76.*

ITEMIZED SPECIALS TO DATE

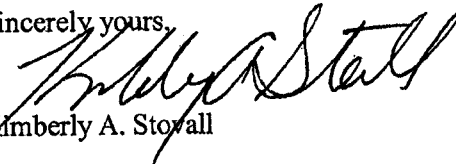Enclosed please find a list of special damages incurred to date by my client to date total at least *$21, 880.90.*

TELEPHONE 972-774-1276 ** FACSIMILE 972-774-1277 ** 1-800-918-9655

SETTLEMENT DEMAND

I am authorized to extend a demand for full and final settlement of all claims in the amount of *$428,000.00.*

This demand will remain open and available for acceptance for a period of *ten (10)* days from your receipt of this letter and is thereafter withdrawn.

With kind regards, I am,

Sincerely yours,

Kimberly A. Stovall

With enclosures as noted
/ao